

**MINUTES OF THE
EAST COVENTRY TOWNSHIP PLANNING COMMISSION
MEETING HELD ON AUGUST 21, 2019
(Approved September 18, 2019)**

The Planning Commission held their monthly meeting on Wednesday, August 21, 2019. Present for the meeting were Walter Woessner, Lance Parson, and Paul Lacon. Kathryn Alexis and Larry Tietjen were absent. Also present was Marjorie Brown, Township Solicitor and Rick Tralies, Township Planner.

Mr. Woessner called the meeting to order at 7:00 p.m. and the pledge was recited.

In regards to the agenda Ms. Brown asked Mr. Woessner if he still wanted to review the Right to Farm Act since Mrs. Alexis is not present and she had requested the information. Mr. Woessner stated he still wanted to review it. Mr. Woessner made a motion to accept the Agenda. Mr. Parson seconded the motion. The motion carried with a 3-0-0 vote.

MINUTES

Mr. Parson made a motion to approve the minutes with corrections that were indicated for the July 17, 2019 monthly meeting. Mr. Woessner seconded the motion. The motion carried with a 3-0-0 vote.

CITIZEN COMMENTS

There were no citizen comments.

SUBDIVISION AND LAND DEVELOPMENT

There was no subdivision and land development brought before the commission at this time.

ADDITIONAL ITEMS BROUGHT BEFORE THE COMMISSION

Ordinance Re: Pool Setback Requirements

Ms. Brown stated she spoke with Harry Weaver, Codes/Zoning Officer and he gave her some background on how the recommendation came about for the pool ordinance to be reviewed and possibly updated. Ms. Brown stated Mr. Weaver has reviewed the Ordinance and it is acceptable to him. Mr. Weaver explained to Ms. Brown there are three types of pools, two of which need to be regulated which are above ground and inground pools. The third type of pool is an inflatable pool which does not need to be regulated. He also stated any enclosure that contains more than 24 inches of water triggers gate requirements, lock requirements and electricity requirements. Mr. Parson made a motion recommending the Board of Supervisors authorize advertising for a public hearing on the proposed Ordinance Re: Pool Setback Requirements in the form presented to the Planning Commission. Mr. Lacon seconded the motion. The motion carried with a 3-0-0 vote.

Review of Chad and Morgen Westfall's Request to Add Property to the Township's ASA.

Mr. Westfall stated he purchased the old Wallace farm on Sawmill Road, which contains two parcels that add up to approximately 29 acres, about three years ago. Mr. Westfall received a letter about putting his farm in preservation so he contacted Karen Nocella and Chester County who told him to fill out an application. Mr. Westfall believes that the property may have been previously farmed. He has planted fruit trees and chestnut trees on the property so far. He has been bringing the farm soil back. He has soil samples from the last three years and had a conservation plan done. Mr. Westfall stated they would like to keep the land preserved. Mr. Woessner asked what are the tax advantages? Mr. Westfall stated the farm was in Act 515 and he applied earlier this summer to take it out of Act 515 and put it into Act 319. He was told once it goes into Agricultural Easement you would need to show a profit of \$2,500 a year or a loss. Another question was asked if Mr. Westfall plans on

farming the land. Mr. Westfall stated he has an issue with that because big equipment can't get across the bridge that goes onto the property. He would like to plant hay or alfalfa in the future which doesn't require big equipment. Ms. Brown asked why an agricultural conservation instead of just conservation easement. Mr. Westfall stated he was told by someone at Chester County that the agricultural conservation has more financial benefits then the regular conservation easement most of the time.

Ms. Brown asked what the soil samples say in regards to farm ability of the land. Mr. Tralies stated from Mr. Flaharty's soil report that the soil appears to be good but he believes it only covers one of the parcels. Ms. Brown said that the Agricultural Security Area has five criteria that must be met. One of the concerns is whether or not the property will meet criteria that stated that 50% in the aggregate of the land to be included in an agricultural security area falls into one of the following categories: land whose soils are classified in Soil Conservation Service Capability Classes I through IV, excepting IV(e); land which falls within the Soil Conservation Service classification of "unique farm land"; or land whose soils do not meeting Capability Classes I through IV but which is currently in active farm use and is being maintained in accordance with the soil erosion and sedimentation plan applicable to such land. Mr. Westfall stated he does not have any farm animals but doesn't see why farm animals couldn't be on the second parcel. Mr. Tralies wanted to do some additional research during the meeting so Mr. Parson made a motion to table the discussion at this time. Mr. Lacon seconded the motion. The motion carried with a 3-0-0 vote.

The meeting continued with the Review of Chad and Morgen Westfall's Request to Add Property to the Township's ASA after review of the Right to Farm Act and the request to rezone a parcel owned by Diakon Lutheran Ministries.

The breakdown of the soil for the entire property was found and comes up to nearly 63% as usable for farming. The breakdown is as follows:

PeB	21.6%	*	*Meet the criteria
PeC	14.0%	*	*Meet the criteria
Ro	27.1%	*	*Meet the criteria
PeD	16.4%		
Bo	20.9%		(wetlands)

A discussion ensued regarding whether or not they met the criteria of an Agricultural Security Area. It was decided by the Planning Commission that they do meet the criteria. Ms. Brown went over the timeline of how the process works. At this point, the Planning Commission and the Agricultural Security Area Advisory Committee must submit their recommendation by September 2nd. After the Township receives the recommendations, the Board of Supervisors will hold a hearing to make a decision on the Proposal which will likely happen at their September 9th or October 14th, 2019 meeting. If the Township fails to make a decision by December 16, 2019 it would result in a deemed approval of the proposal. A discussion ensued.

Mr. Parson made a motion recommending the Board of Supervisors approve the request of Chad and Morgen Westfall to place their property located at 320 Saw Mill Road, and further identified as Uniform Parcel Nos. 18-4-180 and 18-4-181, within East Coventry Township's Agricultural Security Area to allow them to establish an agricultural conservation easement with public trail access on the property. Mr. Lacon seconded the motion. The motion carried with a 3-0-0 vote.

Review of the Right to Farm Act

Ms. Brown stated that Mrs. Alexis had asked at the last Planning Commission meeting about the Right to Farm Act and whether our ordinances are in compliance with restrictions relating to setbacks. Ms. Brown reviewed the Right to Farm Act and determined the Act prohibits nuisance ordinances from being applied against farming activities; there is nothing in the Act about setbacks. Ms. Brown stated the Township's ordinances appear to be compliant with the Act. It was decided to table the discussion until the next meeting when Mrs. Alexis is available to clarify her concerns.

Consideration of Rezoning Parcel No. 1801-0038000, owned by Diakon Lutheran Social Ministries, from R-3 Residential to C Commercial.

Ms. Brown reviewed the request from Diakon Lutheran Social Ministries regarding rezoning parcel no. 1801-0038000 from R-3 Residential to C Commercial. Diakon owns three parcels and the other two parcels were rezoned per the Ordinance that was recently adopted by the Board of Supervisors. Ms. Brown stated the parcel in question takes access from Vaughn Road. If the parcel is rezoned to C Commercial then the owner has the ability to construct there by right whereas if it stays zoned as R-3 Residential, it would require zoning relief to construct. A discussion ensued.

Mr. Parson made a motion recommending the Board of Supervisors deny the request from Diakon Lutheran Social Ministries to rezone Parcel No. 1801-0038000 from R-3 Residential to C Commercial. Mr. Woessner seconded the motion. The motion carried with a 3-0-0 vote.

Natural Lands Review of Existing Cluster Ordinance

Mr. Woessner stated the following: Since it appears, in a memo from Natural Lands dated August 8, 2019, that an assessment of relevant Zoning and SALDO provisions can be made at no cost to the Township, I make a motion to request the Township Manager to engage the Township Planning (Lands Trust organization) to evaluate the R-2 and R-3 Cluster provisions to understand why the provisions have never been utilized by a developer and make generalized recommendations to the Planning Commission relating to changes required in the Zoning Ordinance to correct any detected shortcoming. Mr. Parson seconded the motion. The motion carried with a 3-0-0 vote.

Northern Federation Update

Nothing to report at this time.

Historical Commission Update

Nothing to report at this time.

Pottstown Metropolitan Regional Planning Committee

Mr. Woessner stated they are not meeting in August.

ADJOURNMENT

Mr. Parson moved to adjourn the meeting at 8:27 pm. Mr. Lacon seconded the motion. The motion carried with a 3-0-0 vote.

Respectfully submitted,

Susan Kutsch
Secretary